

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 202106374	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/27/2020 10:02 PM	Location of Incident: Atlantic Avenue and Smith Street	Precinct: 84	18 Mo. SOL 4/27/2022	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 10/20/2021 3:30 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 10/20/2021 3:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT CHRISTOPHER SCHMIDT	00000	907284	SRG 1
2. CPT RONALD RAMOS	00000	935562	SRG 3
3. PO STEVEN HOLGUIN	19665	958704	SRG 1
4. Officers			
5. An officer			
6. CPT JULIO DELGADO	00000	918927	SRG 2
7. PO JASON LOPEZ	16092	950773	SRG 2
8. PO ORVIN FELICIANO	22257	942855	SRG 2
9. LT SA DAVID VASQUEZ	00000	916845	SRG 2

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B. Officers	Force: Officers struck individuals with batons.	
C. Officers	Force: Officers struck individuals with bicycles.	
D.CPT JULIO DELGADO	Discourtesy: Captain Julio Delgado spoke discourteously to individuals.	
E.CPT RONALD RAMOS	Discourtesy: Captain Ronald Ramos spoke discourteously to § 87(2)(b)	
F. An officer	Discourtesy: An officer spoke discourteously to individuals.	
G.CPT RONALD RAMOS	Abuse: Captain Ronald Ramos interfered with § 87(2)(b)'s use of a recording device.	
H.CPT RONALD RAMOS	Force: Captain Ronald Ramos used physical force against § 87(2)(b)	
I.PO STEVEN HOLGUIN	Force: Police Officer Steven Holguin used physical force against § 87(2)(b)	
J. Officers	Force: Officers used physical force against § 87(2)(b)	
K.CPT RONALD RAMOS	Force: Captain Ronald Ramos used physical force against § 87(2)(b)	
L. Officers	Force: Officers used physical force against § 87(2)(b)	
M. An officer	Force: An officer used a chokehold against § 87(2)(b)	
N. Officers	Force: Officers restricted § 87(2)(b)'s breathing.	

Officer(s)	Allegation	Investigator Recommendation
O. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
P.LT SA DAVID VASQUEZ	Force: Lieutenant David Vasquez used physical force against § 87(2)(b)	
Q.LT CHRISTOPHER SCHMIDT	Abuse: § 87(2)(b), § 87(2)(a)	
R.LT CHRISTOPHER SCHMIDT	Discourtesy: § 87(2)(b), § 87(2)(a)	
S. An officer	Force: An officer used physical force against an individual.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

### Case Summary

On October 20, 2021, § 87(2)(b) filed this complaint via the CCRB's website on behalf of himself and unidentified individuals.

On October 27, 2020, at approximately 10:02 p.m., § 87(2)(b) was at a Black Lives Matter protest in the vicinity of Atlantic Avenue and Smith Street in Brooklyn. He saw officers allegedly push individuals with their hands, batons, and bicycles (**Allegations A-C: Force**, § 87(2)(g)). Captain Julio Delgado, of Strategic Response Group (SRG) 2, allegedly spoke discourteously to individuals (**Allegation D: Discourtesy**, § 87(2)(g)). Captain Ronald Ramos, of SRG 3, allegedly spoke discourteously to § 87(2)(b) (**Allegation E: Discourtesy**, § 87(2)(g)). An officer spoke discourteously to individuals (**Allegation F: Discourtesy**, § 87(2)(g)). Captain Ramos allegedly interfered with § 87(2)(b)'s use of a recording device (**Allegation G: Abuse of Authority**, § 87(2)(g)). Captain Ramos allegedly pushed § 87(2)(b) (**Allegation H: Force**, § 87(2)(g)). PO Steven Holguin, of SRG 1, allegedly punched § 87(2)(b) (**Allegation I: Force**, § 87(2)(g)). Officers allegedly punched § 87(2)(b) and pulled his hair (**Allegation J: Force**, § 87(2)(g)). Captain Ramos performed a forcible takedown of § 87(2)(b) (**Allegation K: Force**, § 87(2)(g)). Officers allegedly pressed on § 87(2)(b)'s chest, ribs, and neck, which restricted his breathing (**Allegations L-N, Force**, § 87(2)(g)). An officer spoke discourteously toward § 87(2)(b) (**Allegation O: Discourtesy**, § 87(2)(g)). Lieutenant David Vasquez, of SRG 2, pushed § 87(2)(b) (**Allegation P: Force**, § 87(2)(g)). § 87(2)(b), § 87(2)(a) (**Allegation Q: Sexual Misconduct**, § 87(2)(g)). § 87(2)(b), § 87(2)(a) (**Allegation R: Discourtesy**, § 87(2)(g)). An officer allegedly punched § 87(2)(b) (**Allegation S: Force**, § 87(2)(g)). § 87(4-b), § 87(2)(g). § 87(2)(b) was summonsed and charged with § 87(2)(b). As of March 24, 2022, the Office of Court Administration (OCA) has no record of the disposition of the summons (**Board Review 35**).

Body worn camera (BWC) video was received from NYPD Legal. The videos are in IAs #61-71 and 152-154 (**Board Review 1-14**), and are summarized in IA#121 (**Board Review 15**). GoPro video of the incident was obtained from § 87(2)(b). It is located in IA#59 (**Board Review 16**) and is summarized in IA#197 (**Board Review 17**).

### Findings and Recommendations

**Allegation (A) Force: Officers used physical force against individuals.**

**Allegation (B) Force: Officers struck individuals with batons.**

**Allegation (C) Force: Officers struck individuals with bicycles.**

**Allegation (D) Discourtesy: Captain Julio Delgado spoke discourteously to individuals.**

§ 87(2)(b) testified that he joined a march of about 100 protesters in downtown Brooklyn (**Board Review 23**). The march went to the vicinity of Atlantic Avenue and Smith Street, where a line of officers carrying bicycles were already positioned in the street ahead of the protesters. The protesters stopped and yelled at the officers. § 87(2)(b) walked through the line of officers and turned around to see if anyone followed him. While standing on the sidewalk, § 87(2)(b) observed a group of protesters standing further up the street. A group of 12-14 officers (described as a mix of white, black, and Hispanic men dressed in navy uniforms), pushed the protesters with their hands, bicycles, and batons. Captain Delgado, who § 87(2)(b) recognized from other protests he had attended, was ordering officers, "Get your hands dirty. Get this one. This one over here." Captain Delgado was cursing and said "fucking," repeatedly, however § 87(2)(b) could not clearly hear what exactly Captain Delgado said. § 87(2)(b) knew some of the individuals in the group who

were pushed, but he was unable to provide their names or contact information during his CCRB interview, and he was unresponsive to subsequent contact attempts for this info (See IAs for contact attempts). § 87(2)(b) did not know if any of the individuals in the group who were pushed were arrested or summonsed.

The 84<sup>th</sup> Precinct arrest index revealed that there were 26 arrests related to the protest, however all of them were sealed and could not be accessed by the investigation to obtain additional information regarding other protesters present (**Board Review 24**). NYPD records related to the alleged victims could not be requested as they were unidentified to the investigation.

Press articles related to the protest revealed that protesters marched through downtown Brooklyn in response to the police-involved shooting and killing of Walter Wallace Jr., in Philadelphia. Protesters became violent and broke storefront windows, lit fires, and vandalized buildings and vehicles throughout the area (**Board Review 18-22**).

§ 87(2)(b) provided video he recorded with a GoPro camera he had affixed to his chest during this incident (**Board Review 16**). Starting at the 01:30 minute mark of the media player timestamp (visible at the bottom of the screen), § 87(2)(b) is standing on the sidewalk in front of a few officers holding bicycles, while he records with his cell phone. At 01:52, § 87(2)(b) says, “They’re fucking them up in the corner.” Numerous officers and protesters are further up the street, but the video does not capture whether any officer uses any force against any of the protesters. At 02:25, Captain Ramos approaches § 87(2)(b) and the video does not capture anything else that happens to the protesters further up the street. § 87(2)(b) did not provide the video he recorded on his cell phone to the investigation, and he was unresponsive to subsequent contact attempts for this evidence (See IAs for contact attempts).

A request to the NYPD Technical Assistance Response Unit (TARU) for video footage returned negative results (**Board Review 43**).

BWC video from Lt. Schmidt’s BWC camera, starting at the 00:55 minute mark of the media player timestamp (visible at the bottom of the screen), shows Captain Delgado (the only officer captured wearing a white shirt), walking in the direction of the crowd of protesters described by § 87(2)(b) (**Board Review 05**). At 01:11, two officers dressed in neon green uniforms and holding bicycles are standing in front of a crowd on the sidewalk. Officers are heard saying “move back.” At 01:26, officers pull § 87(2)(b) from the crowd toward the street. At 01:29, an officer on the left side of the video appears to push a protester with his hands and says, “Move back.” At 01:33, an officer pushes his bicycle toward protesters in front of him. At 01:53, Lieutenant Schmidt turns his back away from that side of the street toward where § 87(2)(b) is standing. A request for video from Captain Delgado’s BWC returned negative results (**Board Review 25**). The BWC footage received by the investigation did not capture the officers involved in the actions described by § 87(2)(b) and did not assist with officer identification.

The officers interviewed, Captain Ramos (**Board Review 26**), PO Holguin (**Board Review 27**), PO Lopez (**Board Review 28**), PO Feliciano (**Board Review 29**), and Lieutenant Schmidt (**Board Review 30**), consistently testified that they were working as part of the SRG bicycle unit and responded to the area due to a large protest in downtown Brooklyn. All the officers denied pushing any protesters with their hands, batons, or bicycles, and they did not remember seeing any other officer do any of these things. They were unable to identify the officers captured in the relevant section of Lt Schmidt’s BWC video.

The NYPD's Department Advocate's office confirmed that Captain Delgado was on terminal leave as of July 30, 2021, set to retire from the NYPD (**Board Review 31**). Therefore, he was not interviewed.

§ 87(2)(g)

[REDACTED]

**Allegation (E) Discourtesy: Captain Ronald Ramos spoke discourteously to § 87(2)(b)**  
**Allegation (F) Discourtesy: An officer spoke discourteously to individuals.**  
**Allegation (G) Abuse of Authority: Captain Ronald Ramos interfered with § 87(2)(b)'s use of a recording device.**

**Allegation (H) Force: Captain Ronald Ramos used physical force against § 87(2)(b)**  
Starting at the 02:00 minute mark of the media player timestamp (visible at the bottom of the screen), GoPro video from § 87(2)(b) shows him saying, "You look stupid, you know that? You look dumb as fuck. You look like a dumb motherfucker for that one. Look how stupid this motherfucker is, rushing him to get the fuck out of the way fucked up his own shit. Stupid fuck. What kind of education level you all got?" (**Board Review 16**) At 02:26, Captain Ramos approaches § 87(2)(b) and reaches with his left hand toward § 87(2)(b)'s right hand, which is outstretched in front of him holding a cell phone. § 87(2)(b) says, "Don't touch me bro," and moves backwards away from Captain Ramos. At 02:31, Captain Ramos approaches § 87(2)(b) and reaches toward him with both arms outstretched in front of him. At 02:33, § 87(2)(b) appears to fall. Captain Ramos says, "You're under arrest." An officer says, "Back the fuck up."

§ 87(2)(b)'s testimony was generally consistent with his GoPro video. He said an unidentified protester and unidentified officer, who were both carrying bicycles, walked past each other and the wheels of their bicycles became entangled with each other. § 87(2)(b) found the situation comical and said, "You look stupid. You look fucking dumb. What level of education do you have?" § 87(2)(b) said this loudly because he wanted the officers around him to hear him. Captain Ramos approached § 87(2)(b) and said, "Get the fuck out of here." § 87(2)(b) refused. Captain Ramos said, "You're under arrest." § 87(2)(b) started backing away from Captain Ramos. Captain Ramos reached toward § 87(2)(b) and pushed § 87(2)(b)'s cell phone with his hand. Captain Ramos continued walking toward § 87(2)(b) and pushed him with two hands on his upper torso which caused § 87(2)(b) to trip on a garbage bag that was behind him. § 87(2)(b) fell backwards onto his buttocks into a seated position. He did not sustain any injuries from being pushed to the ground.

As noted above, § 87(2)(b) did not provide the cell phone video he recorded of this incident and did not respond to follow up contact attempts to obtain this video.

Captain Ramos' BWC video, starting at the 06:40 minute mark of the media player timestamp (visible at the bottom of the screen), shows that he approaches the area where § 87(2)(b) has been yelling at officers (**Board Review 01**) and says, "Let's go." § 87(2)(b) says, "Don't touch me,

bro.” § 87(2)(b) stumbles backwards but does not fall. A mattress is on the sidewalk where § 87(2)(b) is standing. An unidentified individual to the right of § 87(2)(b) pulls on § 87(2)(b)’s arm. The unidentified individual stumbles over the bags but does not fall. At 06:53, Captain Ramos extends his arms outward toward § 87(2)(b) his left arm moves toward § 87(2)(b)’s right arm. § 87(2)(b) falls backwards and a garbage bag is seen immediately behind where he had been standing. Captain Ramos tells § 87(2)(b) he is under arrest. § 87(2)(b) says, “I’m not under arrest. I didn’t break no laws.” Captain Ramos says, “Yes, you did - unlawful assembly.”

Lieutenant Schmidt’s BWC video (starting at the 03:10 minute mark), and PO Holguin’s BWC video (starting at the 02:45 minute mark) capture § 87(2)(b) yelling on the far-left side of the video frame (**Board Review 05**). Captain Ramos approaches, however, the camera turns away from them and does not capture whether Captain Ramos pushes § 87(2)(b).

In PO Holguin’s BWC video, at 02:48, § 87(2)(b) quickly approaches and PO Holguin tells the individual, “Put that bottle down. Put that bottle down” (**Board Review 04**). Two unidentified individuals are stepping toward where § 87(2)(b) is engaged with Captain Ramos. At 02:55, an officer (it cannot be seen who) says, “Back the fuck up.” Lieutenant Schmidt and PO Holguin approach the unidentified individuals and block them from getting close to § 87(2)(b)’s arrest.

Captain Ramos testified that he was in direct communication with Captain Delgado via radio while the protesters made their way throughout Brooklyn. Eventually, Captain Delgado told Captain Ramos that a decision had been made, he did not know by whom, that the assembly had been deemed unlawful and that arrests should be made. Captain Ramos rode with his bicycle unit to Atlantic Avenue and Smith Street. Captain Ramos noticed § 87(2)(b) screaming profanities and approached him to place him under arrest for unlawful assembly because he failed to disperse from the area. Captain Ramos denied making contact with § 87(2)(b)’s cell phone. Rather, Captain Ramos said he was reaching toward § 87(2)(b) in order to place him under arrest and § 87(2)(b) backed away from him. Captain Ramos reached toward § 87(2)(b) and may have gotten his hands on his shirt (he did not remember if he did), however § 87(2)(b) continued backing away and tripped over a garbage bag behind him. Captain Ramos denied pushing § 87(2)(b). Captain Ramos denied using any profanity toward § 87(2)(b) and denied hearing any officer do so.

PO Holguin and Lieutenant Schmidt, who were standing nearby on the sidewalk when Captain Ramos initiated the arrest of § 87(2)(b) testified that they did not see what precipitated the arrest of § 87(2)(b). They did not see Captain Ramos push § 87(2)(b) or interfere with his use of a recording device. PO Holguin said he saw Captain Ramos attempting to place § 87(2)(b) under arrest and he ran over to assist (addressed in more detail in Allegation I). Lieutenant Schmidt said he saw that § 87(2)(b) was being placed under arrest, however, he became primarily concerned with keeping other nearby protesters away from the arrest.

Officers must render services with courtesy and civility. NYPD Patrol Guide, Procedure 200-02 (**Board Review 32**). Officers have a responsibility to act with decorum in their interactions with civilians, though there are certain situations where profane remarks made during a stressful or chaotic situation do not constitute misconduct. Disciplinary Court No. 2018-18951 (**Board Review 33**).

Captain Ramos’ BWC video shows that he did not use any profanity toward § 87(2)(b) when he approached him. § 87(2)(g)

§ 87(2)(b)'s GoPro video shows that an unseen officer yelled, "Back the fuck up" after Captain Ramos approached § 87(2)(b). This statement was also captured in PO Holguin's BWC video, though who made the statement and to whom is not captured. § 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

**Allegation (I) Force: Police Officer Steven Holguin used physical force against § 87(2)(b)**

**Allegation (J) Force: Officers used physical force against § 87(2)(b)**

**Allegation (K) Force: Captain Ronald Ramos used physical force against § 87(2)(b)**.

§ 87(2)(b) testified that after Captain Ramos pushed him, he rose into a kneeling position and was surrounded by about five to six officers who he could not describe further than them all being white men. The officers yelled, "You're under arrest." § 87(2)(b) was kneeling beside a tree which had a small fence surrounding it. He grabbed and held onto the fence with his hands because he did not want the officers to take him. He felt numerous punches to his face, torso, and legs. An officer pulled on his hair and he realized later that one of his dreadlocks had been pulled out. Captain Ramos said, "Nice and easy boys. Look. Look." Captain Ramos yanked on § 87(2)(b)'s arm which prompted § 87(2)(b) to let go of the gate. Captain Ramos pulled § 87(2)(b) into the street where he fell face down onto the ground. § 87(2)(b) said he did not sustain any injury to his face because he does not bruise easily. He sought medical treatment at a hospital in Brooklyn, he did not know where, because he sustained pain to his shoulders from when he was pulled into the street. § 87(2)(b) was unresponsive to additional contact attempts in order to seek clarification about the medical facility he went to and to obtain medical release forms, which would have granted the investigation access to his medical records.

A request to the IAB-CCRB Liaison returned negative results for a TRI Report related to § 87(2)(b).

§ 87(2)(b) (**Board Review 36**) (See OPMNs).

In § 87(2)(b)'s GoPro video, at the 02:33 minute mark, Captain Ramos tells § 87(2)(b) he is under arrest (**Board Review 16**). § 87(2)(b) says, "I'm not under arrest. I didn't break no laws." At 02:42, the camera becomes oriented downward and a small fence is captured surrounding a tree § 87(2)(b) is positioned in front of. The camera becomes obscured and dark. Officers are heard saying, "Stop resisting." At 03:00, § 87(2)(b) falls to the street.

Captain Ramos' BWC video, at the 07:00 minute mark, shows Captain Ramos grasping onto § 87(2)(b)'s body (it cannot be seen where) with both hands (**Board Review 01**). At 07:05, Captain Ramos appears to try and pull § 87(2)(b) toward him, but § 87(2)(b) moves in the opposite direction. Other officers gather around and assist Captain Ramos. At 07:18, Captain Ramos says, "Bring him across. Bring him across here. Nice and easy." At 07:22, § 87(2)(b) is in the street. An

officer says, “Give me your hands. Give me your hands.” At 07:34, the camera turns upward. At 07:56, Captain Ramos turns away from the arrest scene.

The same portion of this incident is captured in PO Holguin’s BWC video, beginning at the 03:00 minute mark (**Board Review 04**), and PO Feliciano’s BWC video, beginning at the 03:12 minute mark (**Board Review 03**). The relevant sections of the videos did not provide any additional clarity as to whether any officer punched § 87(2)(b) or pulled his hair.

PO Lopez’ BWC video captures his involvement in the arrest starting at the 05:20 minute mark (**Board Review 02**). Starting at 05:25, an officer standing directly in front of PO Lopez, identified via investigation as PO Holguin, raises and lowers his right arm in quick succession in the direction of § 87(2)(b) who is positioned underneath him.

Captain Ramos testified that he and other officers attempted to place § 87(2)(b)’s arms behind his back in order to place him in handcuffs, but § 87(2)(b) resisted by pulling his arms in front of him. Aside from trying to pull his arms behind his back, Captain Ramos did not use any other force against § 87(2)(b). He directed the officers to pull § 87(2)(b) into the street because due to § 87(2)(b)’s resistance and the tight quarters created by nearby parked cars and other garbage and debris that was nearby, § 87(2)(b) would be more quickly and safely placed into custody in the street. Captain Ramos denied punching § 87(2)(b) or pulling his hair, and he denied seeing any officer do either of those things.

PO Holguin testified that he noticed Captain Ramos and other officers attempting to place § 87(2)(b) under arrest. PO Holguin approached to assist the other officers. § 87(2)(b) resisted by holding onto a small fence that was next to him with one hand. § 87(2)(b)’s other arm was loose and in Captain Ramos’ grasp, but § 87(2)(b) was pulling his arm away from Captain Ramos. § 87(2)(b) refused to comply with verbal orders to let go of the gate and to give the officers his hands. PO Holguin punched § 87(2)(b)’s wrist a few times with his right hand three to four times in order to get him to release his grip of the fence. PO Holguin utilized hand strikes because § 87(2)(b) appeared to have a tight grip on the gate and was not complying with verbal orders to let go of the gate. PO Holguin denied punching § 87(2)(b) anywhere else and did not see any other officer do so. PO Holguin denied pulling § 87(2)(b)’s hair and said he did not see any other officer do so. Other officers pulled § 87(2)(b) into the street.

PO Feliciano and PO Lopez testified that they observed a struggle between officers and § 87(2)(b) and approached to assist. They consistently described that § 87(2)(b) resisted by tensing his arms which prevented officers from pulling them behind his back. PO Lopez did not remember what specific actions he took when he went to assist. PO Feliciano said he tried to hold § 87(2)(b)’s arm so it could be pulled behind his back.

Officers may use force when it is reasonable to ensure the safety of members of the service or other persons present, or when it is reasonable to place a person in custody or to prevent escape from custody. NYPD Patrol Guide, Procedure 221-01 (**Board Review 34**).

§ 87(2)(g)

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Aside from PO Holguin, the other officers involved in the apprehension of § 87(2)(b) all denied punching § 87(2)(b). All the officers denied that they or anyone else pulled his hair. § 87(2)(g)

§ 87(2)(g)

**Allegation (L) Force: Officers used physical force against § 87(2)(b) :**

**Allegation (M) Force: An officer used a chokehold against § 87(2)(b) :**

**Allegation (N) Force: Officers restricted § 87(2)(b)'s breathing.**

**Allegation (O) Discourtesy: An officer spoke discourteously to § 87(2)(b) :**

§ 87(2)(b) testified that he was pulled into the street by Captain Ramos and fell face down onto the ground, as described above. Once he was in the street, § 87(2)(b) reached with one of his hands toward the other which was holding his cell phone because he wanted to end the recording and lock the screen. Numerous officers who § 87(2)(b) could not describe pressed down on his chest and ribs. An officer momentarily placed his knee on § 87(2)(b)'s neck. All of these actions restricted § 87(2)(b)'s breathing. § 87(2)(b) told the officers, "I can't breathe. I have asthma." After about two minutes, he was handcuffed and lifted into a sitting position.

In § 87(2)(b)'s GoPro video, at the 03:00 minute mark, § 87(2)(b) falls to the street while holding his cell phone in his right hand (**Board Review 16**). He appears to crawl forward momentarily. Multiple officers say, "Put your hands behind your back," and "Stop resisting." The camera becomes dark and obscured. At 03:16 and 03:26, § 87(2)(b)'s cell phone is illuminated and in front of the GoPro camera. At 03:45, he says, "I can't breathe. You're putting too much pressure on my ribs." At 03:50, officers say, "Put your hands behind your back. Give me your fucking hands." § 87(2)(b) says, "I can't. I can't." At 04:02, § 87(2)(b) says, "Yo, I can't breathe." At 04:28, § 87(2)(b) turns over into a face up position. An officer says, "Stop kicking. We gonna stand you up."

In Captain Ramos' BWC video, at the 07:22 minute mark, § 87(2)(b) is in the street (**Board Review 01**), and an officer says, "Give me your hands. Give me your hands." Captain Ramos appears to hold onto § 87(2)(b)'s backpack and then reaches toward § 87(2)(b)'s sides. The video does not show where his hands make contact. At 07:34, the camera turns upward. At 07:56, Captain Ramos turns away from the arrest scene.

In PO Holguin's BWC video, at the 03:20 minute mark, officers pull § 87(2)(b) into the street (**Board Review 04**). PO Holguin walks away to attend to the SRG officers' bicycles, and he has no further involvement in the apprehension of § 87(2)(b).

In PO Lopez' BWC video, at the 05:40 minute mark, PO Lopez approaches a huddle of officers involved in placing § 87(2)(b) under arrest in the street (**Board Review 02**). PO Lopez yells numerous commands of "Stop resisting," and, "Give us your hands." At 06:06, an officer says, "I'm

grabbing his hands, but I can't get it up." At 06:25, an officer says, "Give me your fucking hand then." At 07:00, PO Lopez stands up and walks away.

In PO Feliciano's BWC video, at the 03:30 minute mark, § 87(2)(b) goes to the ground in the street (**Board Review 03**). At 03:35, PO Feliciano reaches for § 87(2)(b)'s right hand. The camera becomes obscured. At 04:19, PO Feliciano has a hand on an unknown part of § 87(2)(b)'s jacket. At 04:51, PO Feliciano stands up and § 87(2)(b) is on the ground on his side.

Captain Ramos, PO Lopez, and PO Feliciano were identified as officers involved in the struggle to handcuff § 87(2)(b) in the street. They all denied pressing down on § 87(2)(b)'s chest or ribs, denied placing a knee on his neck, denied taking any action which would have restricted his breathing, and all the officers denied seeing any other officer do any of these things. The officers all consistently described that § 87(2)(b) resisted once he was on the ground by pulling his arms underneath his body which prevented them from handcuffing him. The officers' use of force was limited to pulling § 87(2)(b)'s arms out from underneath his body in order to handcuff him. The officers did not remember using any profanity toward § 87(2)(b) and did not know who the officer was who is captured using profanity in the BWC video.

Officers must render services with courtesy and civility. NYPD Patrol Guide, Procedure 200-02 (**Board Review 32**). Officers have a responsibility to act with decorum in their interactions with civilians, though there are certain situations where profane remarks made during a stressful or chaotic situation do not constitute misconduct. Disciplinary Court No. 2018-18951 (**Board Review 33**).

§ 87(2)(g)

§ 87(2)(g)

**Allegation (P) Force: Lieutenant David Vasquez used physical force against § 87(2)(b).**

§ 87(2)(b) testified that he was lifted into a standing position by unidentified officers. § 87(2)(b)'s mask came off during the struggle. He told the officers he wanted his mask. An officer said, "Okay," but his mask was not returned to him. The officers tried walking § 87(2)(b) up the street toward a police van but § 87(2)(b) refused to walk and continued telling the officers he wanted his mask. An officer, identified via investigation as Lieutenant Vasquez, approached § 87(2)(b) and pushed him on his chest with both hands § 87(2)(b) walked backwards as the other two officers walked him to the van) for about 50 feet until § 87(2)(b) was at a line of prisoners. He did not report any injury in connection with Lieutenant Vasquez pushing him.

In Lieutenant Vasquez’s BWC video, at the 10:43 minute mark of the media player timestamp (visible on the bottom of the screen), § 87(2)(b) is heard yelling that he wants his mask (**Board Review 12**). Two officers walk by Lieutenant Vasquez and § 87(2)(b) and Lieutenant Vasquez walk alongside them. Lieutenant Vasquez tells § 87(2)(b) “Relax. Relax.” At 10:57, in response to multiple requests for a mask, Lieutenant Vasquez tells § 87(2)(b) “We’ll give you one.” § 87(2)(b) repeatedly states he wants his original mask returned. Lieutenant Vasquez tells him, “We’ll give it to you.” § 87(2)(b) says, “It’s in his hands. I want it right now. Nah, nah, nah, nah, nah.” The pace of the officers moving forward with § 87(2)(b) appears to slow and § 87(2)(b) briefly pulls his body forward, in the opposite direction the officers are escorting him. Lieutenant Vasquez approaches § 87(2)(b) with his arms outstretched toward him. Lieutenant Vasquez, § 87(2)(b) and the two officers continue walking forward. Lieutenant Vasquez tells § 87(2)(b) “We’re going to put a mask on you, I promise.” § 87(2)(b) says, “No, I don’t want that shit. I want that,” and he makes other statements about wanting his mask. § 87(2)(b) is brought to a line of prisoners.

The same portion of the incident is captured in § 87(2)(b)’s GoPro video starting at the 07:40 minute mark (**Board Review 16**). At 08:15, Lieutenant Vasquez outstretches his arms toward § 87(2)(b) and they continue walking toward the prisoner van.

Officers may use force when it is reasonable to ensure the safety of members of the service or other persons present, or when it is reasonable to place a person in custody or to prevent escape from custody. NYPD Patrol Guide, Procedure 221-01 (**Board Review 34**).

§ 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(a)

[REDACTED]

§ 87(2)(b), § 87(2)(a)

[REDACTED]

§ 87(2)(b), § 87(2)(a)  
[Redacted text block]

§ 87(2)(b), § 87(2)(a)  
[Redacted text block]

§ 87(2)(b), § 87(2)(a)  
[Redacted text block]

§ 87(2)(b), § 87(2)(a)  
[Redacted text block]

§ 87(2)(a)  
[Redacted text block]

§ 87(2)(g), § 87(2)(a)  
[Redacted text block]

§ 87(2)(g), § 87(2)(a)  
[Redacted text block]

§ 87(2)(g), § 87(2)(a)

**Allegation (S) Force: An officer used physical force against § 87(2)(b)**

§ 87(2)(b) testified that while he was standing in line to be placed into a prisoner van, another prisoner, known only to him as “§ 87(2)(b)” told him that the officer who had punched him had also punched her. § 87(2)(b) did not see the use of force against § 87(2)(b). He did not have any contact information for § 87(2)(b).

The 84<sup>th</sup> Precinct Arrest Index and Summons log did not reveal any individuals with a name approximating “Joy” (**Board Review 24, 34**). Given that as previously noted, the individual arrest reports were all sealed, they could not be accessed by the investigation to review identifying information or details about the circumstances of the arrest.

The BWC video received by the investigation and § 87(2)(b)'s GoPro video did not capture any officer punching any female protester. At the 10:30 minute mark of § 87(2)(b)'s GoPro video, an unidentified female prisoner standing in front of § 87(2)(b) in the line of prisoners says, “He punched me in my face. Twice. Ericsson” (**Board Review 16**).

The roll calls from the five borough SRG commands did not reveal any officer with a name approximating Ericsson who was working on the incident date (**Board Review 44-48**). A request to Patrol Borough Brooklyn North and Patrol Borough Brooklyn South returned negative results for any detail rosters related to the protest (**Board Review 49-50**).

All the officers interviewed denied punching any female protester and denied seeing any officer do so.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to § 87(2)(g) (Board Review 40):
  - § 87(2)(b)
  - § 87(2)(b)
- Captain Ramos has been a member-of service for 17 years and has been a subject in five CCRB complaints and 14 allegations, one of which was substantiated.
  - Case #202003717 involved a substantiated allegation of pepper spray during a protest event. The Board recommended Command Discipline B and the NYPD has not yet imposed discipline. § 87(2)(g)
- Lieutenant Schmidt has been a member-of-service for 28 years and has been a subject in 11 CCRB complaints and 25 allegations, two of which were substantiated.
  - Case #200202279 involved substantiated allegations of a stop/question and a frisk/search. The Board recommended Charges and the NYPD imposed Command Discipline B. § 87(2)(g)
- PO Holguin has been a member-of-service for six years and this is the first CCRB complaint to which he has been a subject.
- Lieutenant Vasquez has been a member-of-service for 26 years and has been a subject in seven CCRB complaints and 12 allegations, one of which was substantiated.
  - Case #202002284 involved a substantiated misleading official statement allegation. The Board recommended charges and the NYPD has not yet imposed discipline. § 87(2)(g)
- Captain Delgado had been a member-of-service for 24 years and has been a subject in 12 CCRB complaints and 28 allegations, one of which was substantiated.
  - Case #201904455 involved a substantiated seizure of property allegation. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.

### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of November 3, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 41).
- According to the Office of Court Administration (OCA), as of March 24, 2022, § 87(2)(b) has no history of convictions in New York City (Board Review 42).

Squad: 13

Investigator: Rolando Vasquez SI Rolando Vasquez 3/29/2022  
Signature Print Title & Name Date

Squad Leader: Laura Kastner IM Laura Kastner 03/29/2022  
Signature Print Title & Name Date